



University at Buffalo
The State University of New York

Office of International Education
Immigration Services

INCIDENTAL EMPLOYMENT FOR J-1 SCHOLARS

J-1 Professors, Research Scholars and Short-term Scholars are eligible for incidental employment if they meet certain requirements. To work for an employer other than the program sponsor on their DS-2019, J-1 Professors, Research Scholars and Short-term Scholars must first obtain approval in writing from their J-1 program sponsor. The requested employment may be for occasional lectures, short-term consultations, or more sustained or collaborative activity. The request for employment authorization will be evaluated in terms of the program objectives and the J-1 scholar's individual circumstances.

IF YOU ARE A J-1 SCHOLAR SPONSORED BY OTHER THAN THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, P-1-04839, YOU MUST CONTACT YOUR J-1 SPONSOR TO OBTAIN WRITTEN PERMISSION FOR ANY INCIDENTAL EMPLOYMENT.

What conditions must the proposed incidental employment meet?

The proposed employment:

- must be directly related to the objectives of the Exchange Visitor Program
- must be incidental to the J-1 scholar's primary program activities
- may not delay the completion of the Exchange Visitor Program

What do I need to do to apply for incidental employment?

If you are a J-1 scholar under the J-1 visa sponsorship of the State University of New York at Buffalo, P-1-04839, and you wish to apply for incidental employment, you should schedule an appointment with MaryJean Zajac, Immigration Services, 210 Talbert Hall, North Campus (Tel. 645-2355).

You must bring the following with you to the appointment:

- a letter from the prospective employer setting forth:
 - the terms and conditions of the proposed employment
 - the beginning and ending dates
 - the number of hours of work per week

- the field or subject in which you will be working
 - the amount of compensation
 - a description of the activity for which you are being hired
- a letter from your sponsoring faculty member confirming that the proposed employment:
 - is directly related to your principal activity
 - is incidental to your primary program activity
 - will not delay the completion of your program
 - will enhance your Exchange Visitor Program (Note: Please explain how it will enhance the program)

Please Note: The letter must also recommend approval of the proposed incidental employment.

What kind of work authorization will I receive?

If the requested employment is a one-time activity, work permission will be granted in the form of a letter. You should present the letter to your employer as proof of your authorization to be employed. You must be employed as an “independent contractor.” The term independent contractor means that you do not have a sustained employer-employee relationship with the person or institution for which you are working. You will not need to complete an I-9 form (Employment Eligibility Verification Form) for that person or institution.

What if the proposed incidental employment will be of longer duration?

If the requested employment is of a more sustained nature (teaching one course at another institution that will last a whole semester), Immigration Services will prepare a new DS-2019 which will notify the Department of State (DOS) of these changes in activity and funding.